

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**LAVELLE MOORE**

**PETITIONER**

**v.**

**No. 1:04CV378-M-D**

**STATE OF MISSISSIPPI, ET AL., ET AL.**

**RESPONDENTS**

**FINAL JUDGMENT ADOPTING  
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated May 2, 2006, was on that date duly served by mail upon the *pro se* petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated May 2, 2006, is hereby approved and adopted as the opinion of the court.

2. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing for failure to state a claim upon which relief could be granted.

3 That this case is **CLOSED**.

THIS, the 7<sup>th</sup> day of June, 2006.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**